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OFFICE OF PETITIONS

In re Application of :
Fang et al. : **DECISION ON PETITION**
Application No. 10/080,805 : **UNDER 37 CFR 1.137(b)**
Filed: February 21, 2002 :
Attorney Docket No. 2002P02988 US :

This is a decision on the petition under 37 CFR 1.137(b), filed December 27, 2005, to revive the above-identified application.

This application became abandoned for failure to reply timely to the nonfinal Office Action mailed December 9, 2004, which set a three (3) month shortened statutory period to reply. Accordingly, this application became abandoned on March 10, 2005. A Notice of Abandonment was mailed on December 13, 2005.

Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b). Petitioner submitted the required reply in the form of an amendment, paid the petition fee, and made the proper statement of unintentional delay. Accordingly, the petition is **granted**.

The finance records indicate that petitioner's Deposit Account was charged a \$1,590.00 extension of time fee for filing a response. Pursuant to 37 CFR 1.136, an extension of time must be filed prior to the expiration of the maximum period obtainable for reply to avoid abandonment. Additionally, the response period cannot be extended beyond six months of the mailing date of the Office action as set by statute. Accordingly, this fee will be refunded to petitioner's Deposit Account.

This matter is being referred to Technology Center Art Unit 2625.

All inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center. Telephone inquiries specific to this decision should be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

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